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| EXAMINER | |
|---|---|
| BRUCKART, BENJAMIN R | |
| **ART UNIT** | **PAPER NUMBER** |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/600,995 | JAI ET AL. | |
| | Examiner | Art Unit | |
| | Benjamin R. Bruckart | 2155 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *27 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## Detailed Action

Claims 1-21 are pending in this Office Action.

## Formal Drawings

The formal drawings received on 10/27/03 have been entered.

## Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 1, the applicant claims a system having a method and primarily claims the method steps. A method is likened to a process which is statutory but claim 1 does not have a "useful, concrete, or tangible result." The process executes but does not produce a deliverable or tangible result that can be shared because it seems to be just the result of an algorithm.

In claim 21, the applicant the article of manufacture is proper but there is no useful, concrete or tangible result. The medium executes but does not produce a deliverable or tangible result.

For clarification applicant is directed to the MPEP Interim guidelines starting in MPEP 2106.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 20 and 21 recites the limitation "determining which of the plurality of configuration elements could be accessed by the one or more input rules." This limitation is vague and confuses the examiner. How does a rule access an element? The claims heavy software matter makes the vague steps very confusing.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-16, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,286,038 by Reichmeyer et al.**

Regarding claim 1, in a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col. 2, lines 54-57), a method for automated generation of executable modules associated with the devices (Reichmeyer: col. 2, lines 45-46), the method comprising the steps of:

accessing information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51-col. 5, line 10, configurations);

determining which of the plurality of configuration elements could be accessed by the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

Regarding claim 2. The method of claim 1, wherein the one or more input configuration elements are described by one or more configuration classes (Reichmeyer: col. 8, lines 18-32) and wherein the one or more input rules are described by one or more rule files (Reichmeyer: col. 4, lines 51- col. 5, line 10).

Regarding claim 3. The method of claim 1, wherein the step of determining which of the plurality of configuration elements could be accessed further comprises the step of determining read and write sets of configuration elements for a given one of the one or more rules (Reichmeyer: col. 4, lines 53- col. 5, line 10; read supplied data-topology, write is creating or modifying the configuration; no read is default).

Regarding claim 4. The method of claim 3, wherein the step of determining read and write sets of configuration elements further comprises the step of determining for the given rule a call chain emanating from the given rule (Reichmeyer: col. 6, line 51- col. 7, line 17, 43-57; the process from device to server to device).

Regarding claim 5. The method of claim 4, wherein the step of determining for a given rule a call chain emanating from the rule further comprises the steps of determining whether the given rule accesses one or more items and determining whether one or more other configuration elements are accessed by the one or more items (Reichmeyer: col. 8, lines 55- col. 9, line 1; items are the topography information).

Regarding claim 6. The method of claim 5, wherein the one or more items comprise one or more rules or one or more utility methods (Reichmeyer: col. 8, lines 55- col. 9, line 33; independent processes as performed by the server).

Regarding claim 7. The method of claim 5, wherein the step of determining read and write sets of configuration elements further comprises the steps of determining whether the one or more items accesses one or more additional items and determining whether one or more additional configuration elements are accessed by the one or more additional items (Reichmeyer: col. 8. lines 33-43).

Regarding claim 8. The method of claim 1, wherein the step of determining which of the plurality of configuration elements could be accessed further comprise the step of determining, for a given one of one or more configuration elements able to be accessed by an input rule, a set of instance chain accesses for the given configuration element (Reichmeyer: col. 8, lines 18- col. 9, line 1).

Regarding claim 9. The method of claim 8, wherein the given configuration element comprises a configuration element of a configuration class, wherein the given configuration element is another configuration class, and wherein the step of determining, for a given one of one or more configuration elements able to be accessed by an input rule, a set of instance chain accesses for the given configuration element further comprises the step of determining every access for the other configuration class to other configuration elements (Reichmeyer: col. 8, lines 18- col. 9, line 1).

Regarding claim 10. The method of claim 1, wherein the step of generating at least one executable module further comprises the step of generating at least one class for a given one of the one or more output rules, the at least one class defining the at least one executable module (Reichmeyer: col. 10, lines 54- col. 11, line 14).

Regarding claim 11. The method of claim 10, wherein the at least one class comprises one or more statements adapted to access at least one given configuration element that corresponds to the one or more output rules (Reichmeyer: col. 8, lines 18-42).

Regarding claim 12. The method of claim 10, wherein each of the at least one classes comprises one or more methods adapted to access the at least one given configuration element (Reichmeyer: col. 8, lines 33-42).

Regarding claim 13. The method of claim 12, wherein the access comprises reading, writing, or modifying the at least one given configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 14).

Regarding claim 14. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration element through deferred triggering of the one or more output rules (Reichmeyer: col. 6, lines 43-57; doesn't execute until bootup and sends for config from server).

Regarding claim 15. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration element through direct triggering of the one or more output rules (Reichmeyer: col. 4, lines 44-50; direct connection with request/response).

Regarding claim 16. The method of claim 1, wherein the at least one executable module is adapted to trigger the one or more output rules corresponding to the given input configuration element through batch triggering of the one or more output rules (Reichmeyer: col. 8, lines 18-67; processes all the elements and new configuration data based on received or processed data).

Regarding claim 20. In a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col.

2, lines 54-57), an apparatus for automated generation of executable modules associated with the devices (Reichmeyer: col. 10, lines 54- col. 11, line 27), the apparatus comprising:

a memory (Reichmeyer: Fig. 12); and

at least one processor, coupled to the memory (Reichmeyer: Fig. 12);

the apparatus being operative:

to access information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51- col. 5, line 10; configuration);

to determine which of the plurality of configuration elements could be accessed by the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

to generate one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

to generate at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

Regarding claim 21. An article of manufacture for use in a system having a plurality of devices (Reichmeyer: Fig. 2-3), wherein a plurality of configuration elements are associated with the plurality of devices (Reichmeyer: col. 2, lines 54-57), and for automated generation of executable modules associated with the device (Reichmeyer: col. 10, lines 54- col. 11, line 27), the article of manufacture comprising:

a machine readable medium containing one or more programs which when executed implement the steps of (Reichmeyer: col. 11, lines 43-55):

accessing information about one or more input configuration elements of the plurality of configuration elements (Reichmeyer: col. 4, lines 51- col. 5, line 10; class of device), wherein the one or more input configuration elements are associated with one or more input rules (Reichmeyer: col. 4, lines 51- col. 5, line 10; configuration);

determining which of the plurality of configuration elements could be accessed by the one or more input rules (Reichmeyer: col. 8, lines 55- col. 9, line 1);

generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements (Reichmeyer: col. 6, lines 31-42); and

generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (Reichmeyer: col. 10, lines 54- col. 11, line 27).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,286,038 by Reichmeyer et al in view of U.S. Patent No. 2003/0105838 by Presley.**

Regarding claim 17. The Reichmeyer reference teaches the method of claim 3, wherein the one or more output rules comprise two or more output rules (Reichmeyer: col. 8, lines 55- col. 9, line 14; generic or location specific configuration).

The Reichmeyer reference fails to teach performing a circularity check.

However, the Presley reference teaches a method further comprises the step of performing a circularity check by determining dependency relationships between the two or more output rules and by determining whether a given one of the two or more output rules depends upon itself (Presley: page 4, para 47) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

Regarding claim 18. The Reichmeyer reference teaches the method of claim 1.

The Reichmeyer reference fails to teach range restriction.

However, the Presley reference teaches, wherein the information further comprises at least one range restriction corresponding to the given input configuration element and wherein the at least one executable module is adapted to ensure that the at least one range restriction is met when the given configuration element accessed by the one or more triggered output rules is assigned a value (Prseley: page 4, para 52) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

Regarding claim 19. The Reichmeyer reference teaches the method of claim 1.

The Reichmeyer reference fails to teach dependency integers.

However, the Presley reference teaches information further comprises at least one referential integrity restriction corresponding to the given input configuration element and wherein the at least one executable module is further adapted to ensure that the at least one referential integrity restriction is met when the given configuration element is accessed by the one or more triggered output rules (Presley: page 4, para 53; referential integrity restriction specifies that a variable is dependent on the state of another variable) in order to provide reliable and predictable performance (Presley: page 1, para 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method of claim 3 as taught by Reichmeyer to include determining dependency relationships in order to provide reliable and predictable performance (Presley: page 1, para 5).

**Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent Publication No. 2003/065405 by Zhong teaches checking circular dependencies in page 1, para 10-18.

U.S. Patent No. 7,143,151 issued to Kayashima et al teaches network devices operating together through distributed shared data col. 3, lines 41-45; col. 5, lines 15-44.

U. S. Patent Publication No. 2003/0135609 by Carlson et al teaches monitoring configurations for changes and adapting devices to said changes.

U.S. Patent No. 7,155,534 by Meseck teaches aggregating and making changes to device configurations col. 3, lines 45-col. 4, line 48.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER